

FORM PTO-1390  
(REV 2-2005)  
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
12007-0067

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: **February 14, 2006**

U.S. APPL. NO. **10/568430**  
(IF KNOWN, SEE 37 C.F.R. 1.5)

**Not yet assigned**

INTERNATIONAL APPLICATION NO.  
**PCT/DE2004/001806**

INTERNATIONAL FILING DATE  
**AUGUST 12, 2004**

PRIORITY DATE CLAIMED  
**AUGUST 14, 2003**

TITLE OF INVENTION: **TISSUE OR ORGAN MANIPULATION DEVICE**

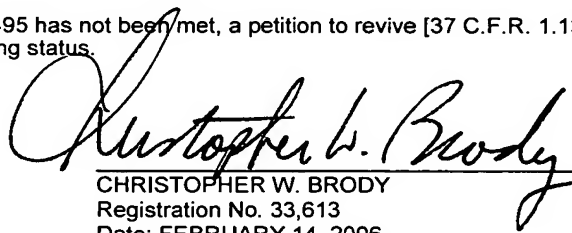
APPLICANT(S) FOR DO/EO/US: **Heinz RUPP, Bernhard MAISCH, Ekkehard SCHÜLER, and Michael KOCH**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. **UNEXECUTED**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

|  |              |   |                |   |  |                     |  |
|--|--------------|---|----------------|---|--|---------------------|--|
| U.S. APPLN. NO. (IF KNOWN) <b>11/568430</b><br>SEE 37 C.F.R. 1.50) NOT YET ASSIGNED<br>INTERNATIONAL APPLICATION NO.<br>PCT/DE2004/001806  |              |   |                | ATTORNEY DOCKET NO. 12007-0067<br>DATE: FEBRUARY 14, 2006   |  |                     |  |
| <input checked="" type="checkbox"/> The following fees are submitted:  |              |   |                | <b>CALCULATIONS</b>   |  | <b>PTO USE ONLY</b> |  |
| <input checked="" type="checkbox"/> 21.) Basic National Fee ..... <b>\$300</b>   |              |   |                | \$ 300  |  |                     |  |
| <input checked="" type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$100</b><br>All other situations ..... <b>\$200</b>  |              |   |                | \$ 200  |  |                     |  |
| <input checked="" type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority ..... <b>\$100</b><br>International Search Report prepared and provided to the Office. <b>\$400</b><br>All other situations ..... <b>\$500</b>   |              |   |                | \$ 400  |  |                     |  |
| <b>TOTAL OF 21, 22 and 23 =</b>  |              |   |                | \$ 900  |  |                     |  |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.  |              |   |                | \$  |  |                     |  |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE           |   |  |                     |  |
| -100   | /50=         |   | x <b>\$250</b> | \$  |  |                     |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].  |              |   |                | \$  |  |                     |  |
| Claims   | Number Filed | Number Extra  | Rate           |   |  |                     |  |
| Total Claims   | - 20 =       |   | X \$50.00      | \$  |  |                     |  |
| Independent Claims   | - 3 =        |   | X \$200.00     | \$  |  |                     |  |
| Multiple dependent claim(s) (if applicable)  |              |   | + \$360.00     | \$  |  |                     |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |   |                | \$ 900  |  |                     |  |
| Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½   |              |   |                | \$ 450  |  |                     |  |
| <b>SUBTOTAL =</b>  |              |   |                | \$ 450  |  |                     |  |
| Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].  |              |   |                | \$  |  |                     |  |
| <b>TOTAL NATIONAL FEE =</b>  |              |   |                | \$ 450  |  |                     |  |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property   |              |   |                | \$  |  |                     |  |
| <b>TOTAL FEES ENCLOSED =</b>   |              |   |                | \$ 450  |  |                     |  |
|  |              |   |                | Amount to be refunded   |  | \$                  |  |
|  |              |   |                | Charged   |  | \$                  |  |
| a. <input checked="" type="checkbox"/> A check in the amount of <b>\$450.00</b> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$_____ to cover the above fee.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |   |                |   |  |                     |  |
| NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.  |              |   |                |   |  |                     |  |
| <b>SEND ALL CORRESPONDENCE TO:</b><br><b>CLARK &amp; BRODY</b><br>1090 Vermont Avenue, N.W.<br>Suite 250<br>Washington, D.C. 20005<br>Telephone: 202-835-1111<br>Fax: 202-835-1755<br>Customer Number: 22902   |              |   |                |   |  |                     |  |
|  |              |   |                | <br><b>CHRISTOPHER W. BRODY</b><br>Registration No. 33,613<br>Date: FEBRUARY 14, 2006 |  |                     |  |